## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:06CV206-03-MU

MALCOLM Y. AZARIAH,	)	
Plaintiff,	)	
V.	)	
CHARLES McCURRY, et al.,	)	<u>ORDER</u>
Defendants.	)	
	)	

**THIS MATTER** is before this Court upon Defendant McCurry's Motion to Dismiss (Document No. 32.) It appears that the Defendant McCurry may be entitled to have his Motion granted.

## PETITIONER AZARIAH READ THIS:

You now have the opportunity to reply to Defendant McCurry's Motion. You may <u>not</u> allege new facts surrounding the events in question as part of your reply. You should base your reply and argument(s) solely on the matters set forth in your original <u>Complaint</u> and/or those set forth in the Defendant McCurry's Motion.

You are further advised that you have twenty (20) days from the filing of this Order in which to file your reply in opposition to the Defendant McCurry's Motion to Dismiss.

FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Plaintiff has twenty (20) days from the filing of this Order in which to provide a response to Defendant McCurry's Motion

to Dismiss.

## SO ORDERED.

Signed: April 16, 2007

Graham C. Mullen United States District Judge